

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RICHARD STOLTZ,)	CASE NO. 1:11 CV 2666
)	
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
COMMISSIONER OF SOCIAL)	<u>AND ORDER</u>
SECURITY ADMIN.,)	
)	
Defendant.)	

On November 9, 2012, Magistrate Judge Kenneth S. McHargh issued a Report and Recommendation (“R&R”) finding that the final decision of the Commissioner of Social Security denying Plaintiff Richard Stoltz’s application for Child’s Insurance benefits under Title II of the Social Security Act, 42 U.S.C. § 402, and Supplemental Security Income benefits under Title XVI of the Social Act, 42 U.S.C. § 1381 et seq. was not supported by substantial evidence. (Doc #: 20.) The Magistrate Judge recommends that the decision of the Commission be vacated and remanded to the Social Security Administration for further proceedings consistent with the R&R. (Id.)

On November 20, 2012, the Commissioner filed a response to the R&R stating that it will not be objecting to the Magistrate Judge’s recommendation. (Doc #: 21.) Accordingly, the Court hereby **ADOPTS** the R&R in its entirety, **VACATES** the Commissioner’s decision denying benefits to Plaintiff Richard Stoltz, and **REMANDS** the case to the Social Security Administration for further proceedings consistent with the R&R.

IT IS SO ORDERED.

/s/ Dan A. Polster November 21, 2012
Dan Aaron Polster
United States District Judge